

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEVIN LAMONT WATKINS-BEY,	:	
	:	Civil Action No. 08-4519 (SRC)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
OSCAR AVILES, et al.,	:	
	:	
Defendants.	:	CLOSED

For the reasons expressed in the Opinion filed herewith,

IT IS on this 3rd day of March, 2009,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees or security; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and the warden of Hudson County Correctional Facility; and it is further

ORDERED that the Complaint is DISMISSED WITH PREJUDICE for failure to state a claim; and it is further

ORDERED that this dismissal shall count as a "strike" for purposes of 28 U.S.C. § 1915(g); and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's institutional account

pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his institutional account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's institutional account, with each payment referencing the civil docket number of this action.

s/ Stanley R. Chesler
Stanley R. Chesler
United States District Judge